

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Order

No. 4/41/77-PER(Vol. II)

On placement of his services at the disposal of this Administration by Government of India, Ministry of Agriculture (Department of Agriculture & Cooperation) New Delhi, the Administrator of Goa, Daman and Diu is pleased to appoint Shri Suresh Kumar Kalra, IFS, as Asstt. Conservator of Forests with effect from the date he reports for duty.

2. His appointment is shown against one of the vacant post of Asstt. Conservator of Forests (Rs. 650-1200) in the Forest Department.

By order and in the name of the Administrator of Goa, Daman and Diu,

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 17th July, 1981.

Home Department (General)

Notification

No. 1/12/81-HD(G)

Government is pleased to constitute a Labour Affairs Cell in the Home Department consisting of the following members:—

- (i) Chief Secretary — Chairman.
- (ii) Secretary (Industries & Labour) — Member.
- (iii) Inspector General of Police — Member.
- (iv) Labour Commissioner — Member.
- (v) Under Secretary (Home) — Member Secretary.

2. The Cell shall meet at least once in three months and its terms of reference shall be:—

(i) To monitor information relating to such labour actions which are likely to lead to labour unrest and consequent violence and disruption in production;

(ii) To speed up the process of bringing the State adjudication machinery into play for dealing with the labour problems;

(iii) To take such actions which may be necessary for creating proper environment and industrial harmony in the State;

(iv) To take any other action which may be necessary to achieve cordial relations between the management and the labour force.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. M. Naik, Under Secretary (Home).

Panaji, 15th July, 1981.

Works, Education and Tourism Department

Notification

No. 7/17/1/80-WET

Whereas, the Government of Goa, Daman and Diu has decided to accord higher priority to harnessing of water resources, by providing maximum irrigation facilities for bringing an all round development of the Territory, making it surplus in its requirement of foodgrains and other crops;

And Whereas, for increasing the tempo of irrigation facilities, the departmental Organisation is required to be geared up making it more decentralised in tune with the general pattern prevailing in the rest of the Country;

Now Therefore, the Government of Goa, Daman & Diu is pleased to create a new Department of the Government to be named as "Irrigation Department" which will be in charge of all irrigation works (Major, Medium & Minor) and allied Sectors of Command Area Development and Flood Control in this Territory.

The Department will be headed by a Chief Engineer who will exercise the powers of Head of the Department pertaining to this Department.

The future Organisational set-up for the Irrigation Department shall be as shown in the Annexure. For the time being, the Circle III and VI of Public Works Department with the field Divisions under their control, and the Command Area Development Authority alongwith their staff shall stand transferred alongwith the posts. The posts which are lying vacant in the said Circle Divisions C. A. D. A. shall also stand transferred to new Irrigation Department. However, till such time the new posts are created and filled up, the new Department will avail of the establishment of the Head Office of the Public Works Department. The equipment, furniture, vehicles and other materials belonging to the Circles and Divisions C. A. D. A. transferred to the Irrigation Department shall also stand as transferred.

This issues with the concurrence of the Finance Department vide their U. O. No. Fin/Rev. & Cont/2521/81 dated 10/6/81.

This order comes into force with immediate effect.

By order and in the name of the Administrator of Goa, Daman & Diu.

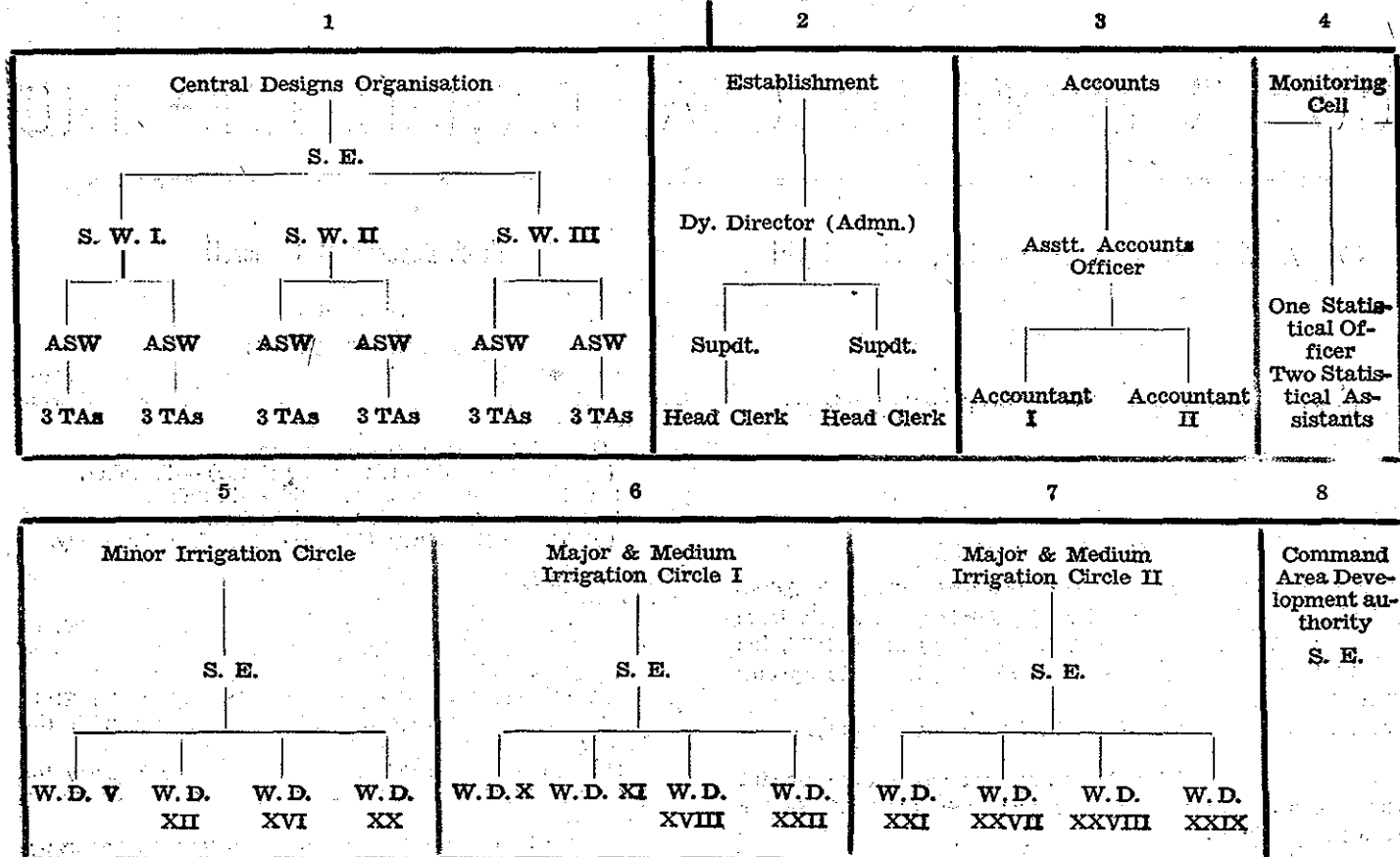
H. D. Sharma, Development Commissioner.

Panaji, 25th June, 1981.

"Annexure"
IRRIGATION DEPARTMENT

CHIEF ENGINEER (IRRIGATION)

Engineering Officer



Corrigendum

No. 9/24/79-WET

Read: — Government order No. WET/Arch/1/77 dated 9-10-1978.

In the 6th line of first para of the Government order quoted above the words "With immediate effect" shall be substituted to read as "With effect from 7th July, 1978".

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (Works, Education and Tourism).

Panaji, 13th July, 1981.

Local Administration and Welfare Department

Notification

No. 6-35-75-LSG

Read: Notification No. 6-35-75-LSG dt. 18-5-1979.

In exercise of the powers conferred by Sub-section (1) of Section 4 of the Children Act, 1960 (Central Act 60 of 1960), the Administrator of Goa, Daman and Diu hereby reconstitutes the Child Welfare Board for the District of Goa with the following composition, for the purpose of the said Act and Rules made thereunder, with immediate effect.

1. Adv. Gopal Apa Kamat — Chairman.
2. Dr. Saulo Ramchandra Quenim — Member.
3. Mrs. Anju Timblo — Member.

4. Mrs. Sushanta Nesarikar — Member.

5. Shri G. V. Shetye — Member.

6. Shri Vaman Radhakrishna — Member.

The committee should meet regularly at least once in three months.

By order and in the name of the Administrator of Goa, Daman and Diu.

Alexandre Pereira, Under Secretary (Revenue),

Panaji, 30th June, 1981.

Office of the Asstt. Registrar of Cooperative Societies

No. 1/19/71-LQD/Bhumika-Dudh/ARNZ/81

Read: — This office order No. ARCS/NZ/Dairy-55/79-80 dated 10-4-81 appointing Shri E. B. Mascarenhas, Jr. Inspector, Coop. Societies, North Zone, Mapusa, as Liquidator of Bhumika Ravalnath Sah. Dudh Vya. Sanstha Ltd., Assagao, Bardez, in place of Shri A. P. Pangam, the then Jr. Auditor, Coop. Societies, North Zone, Mapusa.

Order

In partial modification of this office order cited above, Shri P. R. Shetye, Jr. Inspector, Cooperative Societies, North Zone, Mapusa, is hereby appointed as Liquidator of the Bhumika Ravalnath Sah. Dudh Vya. Sanstha Ltd., Assagao, Bardez, in place of Shri E. B. Mascarenhas, with effect from the date of taking over the charge of the society.

D. V. Sathe, Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 11th June, 1981.

Notification

In exercise of the powers vested in me under section 9 (1) of the Maharashtra Cooperative Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, the Bicholim Secondary School Teachers Credit Cooperative Society Ltd., Tikhajan-Maem, Bicholim, is registered under code symbol No. RES-(a)-1-NZ/Goa.

D. V. Sathe, Asstt. Registrar of Coop. Societies, North Zone.
Mapusa, 6th June, 1981.

Notification

In exercise of the powers vested in me under Section 9 (1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, the Sea-view Cooperative Housing Society Ltd., Vasco-da-Gama, Goa is registered under code symbol No. ARCS/SZ/HSG-(b)9/South-Goa/81.

Sd/- Y. S. Manerikar, Asstt. Registrar of Coop. Societies, South-Zone.

Margao, 29th April, 1981.

Certificate of Registration

The Sea-view Cooperative Housing Society Ltd., Vasco-da-Gama, Goa has been registered on 29th April, 1981 and it bears registration code symbol No. ARCS/SZ/HSG-(b)-9/South-Goa/81 and it is classified as a Housing Society under sub-classification No. 5 (b) tenant Co-partnership Housing

Society in terms of Rule No. 9 of the Cooperative Societies Rules, 1962 for the Union Territory of Goa, Daman and Diu.

Sd/- Y. S. Manerikar, Asstt. Registrar of Coop. Societies, South-Zone.

Margao, 29th April, 1981.

Notification

In exercise of the powers vested in me under Section 9 (1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, the Vidyanagar Consumers Cooperative Society Ltd., Gogal Vidyanagar, Margao, Goa is registered under code symbol No. ARCS/SZ/Con-4/South-Goa/81.

Sd/- Y. S. Manerikar, Asstt. Registrar of Coop. Societies, South-Zone.

Margao, 24th April, 1981.

Certificate of Registration

The Vidyanagar Consumers Cooperative Society Ltd., Gogal, Vidyanagar, Margao, Goa has been registered on 24th April, 1981 and it bears registration code symbol No. ARCS/SZ/Con-4/South-Goa/81 and it is classified as consumers society.

Sd/- Y. S. Manerikar, Asstt. Registrar of Coop. Societies, South-Zone.

Margao, 24th April, 1981.

Revenue Department

Notification

No. 22/97/80-RD

Whereas by Government Notification No. 22/97/80-RD dated 10-11-80 published on page 467-468 of Series II, No. 35 of the Official Gazette, dated 27-11-80 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Construction of Staff Quarters of Sub-Health Centre at Cotombi.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering

the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3, of the said Act, the Dy. Collector, South Goa, Margao to perform the functions of Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Dy. Collector South Goa, Margao till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Quepem	Cotombi	—	11/3 Part	Shri Dev Mahadev Devalaya, Cotombi	1166.00
				11/4 Part	— do —	216.00
Boundaries:						
North: S. No. 11/3, 4.						
South: S. No. 11/3 & 4.						
East: S. No. 11/3 & Road.						
West: S. No. 11/3.						
Total						1382.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 29th June, 1981.

Public Health Department

Order

No. 5/150/80-PHD

On the recommendation of Union Public Service Commission and in consultation with the Government of India, the Lt. Governor of Goa, Daman and Diu is pleased to appoint Dr. S. S. Yadav, Professor and Head, Department of Orthopaedics, JIPMER, Pondicherry to the post of Professor and Head, Department of Orthopaedic Surgery, Goa Medical College, Panaji on an initial pay to be fixed according to rules in the pay scale of Rs. 1800-100-2000-125/2-2250 plus N.P.A. of Rs. 600/ p.m. with effect from the date of his joining, until further orders.

His appointment is subject to the terms and conditions mentioned in Government Memorandum of even number dated 30th March, 1981, and also subject to the verification of original M. B. B. S. and M. S. Degree certificates.

Dr. Yadav has already been declared medically fit at the time of his initial appointment in Central Health Services, New Delhi.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 1st July, 1981.

Order

No. 5/19/81/PHD

On the recommendations of the Local Departmental Selection Committee, Dr. Philomena Pereira, is hereby appointed on ad-hoc basis to the post of Lecturer in Paediatrics in the pay scale of Rs. 1100-50-1500-60-1800 in Goa Medical College, Panaji with effect from the date of take over, until further orders, on the terms and conditions mentioned in Memorandum of even number dated 28-5-1981.

The above appointment will not bestow on the person a claim for regular appointment and the service rendered on ad-hoc basis in the grade would not count for the purpose of seniority in that grade and for eligibility for promotion to the next higher grade.

Dr. Pereira has already been declared fit by the Medical Board, Panaji.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 16th July, 1981.

Corrigendum

No. 71/51/79-PHD

Read: — Notification No. 71/51/79-PHD dated 20-4-81.

In the schedule V to the Government Notification referred to above the essential qualifications "Post-graduate medical qualification in the speciality concerned or equivalent" prescribed for the post of Lecturer shown at Sr. No. 5 shall be substituted by the following:—

"Post-graduate Degree qualification in the speciality concerned or equivalent".

This issues with the approval of Union Public Service Commission vide letter No. F.3/29/(1)/79-RR dated 29-5-81.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 14th July, 1981.

Industries and Labour Department

Order

No. 28/2/79-ILD/2521

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sathale, Under Secretary (Industries and Labour).

Panaji, 29th June, 1981.

**IN THE LABOUR COURT, GOA, DAMAN AND DIU,
AT PANAJI**

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Application No. LCC/18/78

Shri Chandrakant Balgo Gaunkar,
C/o. Casa Leao,
Mapusa, Bardez-Goa.

— Applicant

V/s.

M/s. Salitho Ores Pvt. Ltd.,
Vasco-da-Gama, Goa.

— Opponents

Applicant represented by Adv. A. V. Nigalye.

Opponent represented by Labour Advisor, Shri P. K. Lele.
Panaji, Dated: 12-6-81.

AWARD

This is an Application under sub-section (2) of Section 33(C) of the Industrial Disputes Act, 1947, made by Shri Chandrakant B. Gaunkar, hereinafter called the Applicant, claiming his dues from the employer M/s. Salitho Ores Pvt. Ltd., Vasco-da-Gama, hereinafter called the Opponents.

2. It is the Applicant's case that he was working with the Opponents as Car Driver from 6-10-65 to 17-6-70. He was promised Dearness Allowance which was subsequently paid to other employees after the Applicant left the service. On this account, he is entitled to get from the Opponents approximately Rs. 2,000/- which now he claims. He basis his claim on the agreement dated 28-12-72, signed between the workmen and the Company.

3. The Opponent's version is that the Applicant worked for them as Car Driver at their Head Office from 6-12-65 to 30-6-70. He resigned from the services and, on the date he was relieved, he was paid of all the dues. There was no provision at all for the payment of the dues in general and D.A. in particular, as alleged by the Applicant. The agreement dated 28-12-72 was between M/s. V. M. Salgaonkar and Bros. Pvt. Ltd. and their Head Office employees and it did not cover allied companies, all situated at Head Office of Salgaonkar House. The consent award passed by the Industrial Tribunal on the basis of the said agreement does not bind the Opponents who were not parties to the dispute in which the said consent award was passed. The proceedings under Section 33(C)(2) of the Industrial Disputes Act, being executionary in nature, the Applicant cannot make a claim unless it is arising out of an existing right.

4. The following issues were framed by this Court:

(i) Does the Applicant prove that he is entitled for arrears of Dearness Allowance amounting to Rs. 2000/-?

(ii) Does the Applicant prove that the Agreement signed between M/s. V. M. Salgaonkar & Bros. Pvt. Ltd. and their Workman engaged at their Offices, Shops and Depots, on 28-7-72 is binding on the Opponent?

5. My findings on both the issues are in the negative and for the following reasons:

The Applicant chose not to examine himself and had led the evidence of S/Shri Ramesh Shirodkar, Sarul Sequeira,

Anant G. Redkar, Satyapal Arsekar and Y. A. S. Gawas, all employees of the Opponents. In the course of their evidence, two agreements have been produced, namely the one dated 1-4-1977 signed between M/s. Salitho Ores Pvt. Ltd., one on one side, and their staff members employed at their Office, on the other side (Exh.A-1) and the other, dated 28-12-72, signed by M/s. V. M. Salgaonkar and Bros. Pvt. Ltd. represented by their Personnel Officer, Shri L. R. Ferrao and the workmen employed under them in the Company's Office, Shops and Depots, represented by Shri George Vaz, General Secretary, Goa Trade and Commercial Workers' Union, subject matter of the consent award passed by the Industrial Tribunal on 2-7-73 in the References 1 of 1969 & 7 of 1970 (Exh.A-2).

Exh.A-2, contrary to what is contended by the Applicant, does not cover the employees of the Opponents but only the employees of M/s. V. M. Salgaonkar and Bros. Pvt. Ltd., working in the Company's Office, Shops and Depots, as it is clear from the said Exhibit. The very fact that the employees of the Opponents had to negotiate the Agreement Exh.A-1 on 1-4-77 would go to show that they were convinced that Exh.A-2 was not applicable to them, as it is rightly pointed out by Shri P. K. Lele in his arguments.

5. In so far as Exh.A-I is concerned, it is alleged by Shri P. K. Lele that the same has not been signed by the parties, as prescribed by Rule 58 of the Industrial Disputes (Central Rules 1957) nor was its copy sent to the authority prescribed by the said rules and, therefore, it is not legally valid. But, even assuming for the sake of arguments that it is a valid agreement, it does not support the contention of the Applicant. Indeed, it is seen from the terms of settlement that the management has agreed to pay D. A. as per the details shown in the annexure to the settlement. In this annexure, the name of the Applicant is not mentioned at all. Being so, I fail to see as to how the Applicant, who had already resigned from the services of the Opponents at the time the Agreement Exh.A-I was signed, can claim an allowance on the basis of the Agreement that does not refer to him.

6. The Witnesses examined by the Applicant do not state that the Agreement Exh.A-I was to apply also to the workmen who had resigned at the time the said agreement was signed. On the contrary, witness Anant Redkar, who is one of the signatories to the agreement Exh.A-I, has stated in his cross that there is no difference in what they had discussed with the management before signing Exh.A-I and the terms of settlement incorporated in the same. But even assuming that such statement was made, it is to be seen what relevancy could be given to it, in view of the clear terms of the written Agreement. The personal view of the witness Sarul Siqueira, one of the signatories to the said agreement, cannot supersede the written terms of the said agreement.

7. In the premises above, I have to hold that the applicant has not proved that he is entitled to claim any amount as D.A. from the Opponents and, hence, I pass the following Order:

ORDER

The Application is dismissed.

No order as to costs.

(Dr. R. de Noronha)
Presiding Officer
Labour Court.

Order

No. 28/2/79-ILD/2403

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu,

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 30th June, 1981.

IN THE INDUSTRIAL TRIBUNAL, GOA, DAMAN AND DIU, AT PANAJI

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Ref. No. IT/11/78

Shri Alcantra de Sousa, represented by
Goa Mining Workers' Union, Panaji — Workman/Employee
Party - I

V/s.

Bicholim Municipal Council,
Bicholim, Goa.

— Employer/Party - II

Advocate S. N. N. Karmali for Party - I

Advocate R. V. Phadte for Party - II

AWARD

This is a Reference made by the Government of Goa, Daman and Diu by its Order No. IRM/CON/(115)/75/IT-24/777, dated 24-1-78, for adjudication of an industrial dispute between the parties.

The Order of Reference, in the Schedule, reads as follows:

"Whether the action of the Bicholim Municipal Council, Bicholim, Goa in withholding the two annual increments of Shri Alcantra D'Sousa, Assistant Market Inspector, is legal and justified?"

If not, to what relief the workman is entitled?"

2. The case of the Workman-Employee/Party-I, Shri Alcantra D'Sousa, herein simply called Party-I is as follows:

He was working as Assistant Market Inspector for Bicholim Municipal Council, Employer/Party-II, hereinafter simply called 'Party - II' and, by an Order of the President of Party-II, dated 5-6-75, was placed under suspension and issued show cause notice as to why his services should not be terminated. As per the said show cause notice, Party-I had reported for duty on 4-6-75 at 3:30 p.m. highly intoxicated and had behaved with the Chief Officer in a manner which was insulting to him. It was further alleged that he was talking in such a loud voice so as to disturb the work of other employees and also the smooth functioning of the Audit Party. Before he could submit his reply to the Show Cause Notice, the Inquiry Officer, Shri Manohar G. Porobo Gaonkar of the Bicholim Municipal Council, called him and induced him to submit a written apology, promising that the matter would be closed. The letter of apology was signed by him in duress. Again, on 16-6-75, he was compelled to sign another letter of apology. On 18-6-75, an Inquiry Officer was appointed and Party-I informed that the whole matter was being closed by observing certain formalities. Inquiry was held, but Party-I was not given reasonable opportunity to defend himself by his Defence Council, nor was he informed that he was entitled to be defended by another workman or by an Official of a registered Trade Union. He was induced to sign the Inquiry Proceedings, which were held unilaterally and arbitrarily. The Inquiry Officer submitted his report on 2-7-75 and sent a copy to him asking to submit his comments on the same. No copy of the Inquiry Proceedings were sent to him. He submitted his representation on 8-7-75, giving the correct version of the incident and pointing out that he was not given reasonable opportunity to defend himself. On 27-7-75, the Union of Party-I took up the matter with the President of Party-II and simultaneously requested the Labour Commissioner to intervene in the matter. The President of Party-II, by his order dated 28-7-75, reinstated Party-I in the post of Asst. Market Inspector as per the resolution passed by the Standing Committee and informed him that his increments for two years would not be given to him as per section 76(ii) of the Goa, Daman and Diu Municipalities Act, 1968 (hereinafter called the Act). In pursuance of this Order, Party-I resumed his duties on 6-8-75. On 25-8-75 submitted his detailed report challenging the decision of the Standing Committee on facts as well as on law.

The contentions of Party-II now before this Tribunal is that the action of the President of Party-II suspending him is illegal and action of Party-II in holding the inquiry without giving him a reasonable opportunity to defend himself is against the principles of natural Justice and bad in law. He, therefore, prays that the impugned Order

dated 28-7-75 be declared illegal and without jurisdiction and that the increments which were due in January, 1976 and January, 1977 be given to him.

3. Party-II, in their written statement, raised a preliminary objection on lack of jurisdiction by this Tribunal to entertain and try this dispute, as it is not covered under the Industrial Disputes Act, and, on merits, contended that Party-I admitted the facts mentioned in the show cause notice and, therefore, the action taken is legal and justified. The punishment imposed is lenient, compared to the gravity of offence and Party-I ought to have, if he did not agree to it, preferred an appeal to the Council and/or a revision to the Administrative Tribunal, which he has failed to do. It is denied that the Inquiry Officer induced Party-I to sign the letter of apology and that he was not given full opportunity to defend himself.

4. In his rejoinder, Party-I maintains the stand taken by him in his claims statement.

5. The following Issues were framed by the Tribunal, of which issue No. 5 was declared as Preliminary.

1. Do the Employer/Party-II prove that withholding of the 2 annual increments of the Workman/Party-I was legal and justified?

2. Does the Workman/Party-I prove that he was not given reasonable opportunity to defend himself in the inquiry?

3. Does the Workman/Party-I prove that a copy of the proceedings of the inquiry was not given to him nor were they forwarded to him?

4. Does the Workman/Party-I prove that the order withholding the increments dated 28-7-78 is illegal and without any justification?

5. Do the Employer/Party-II prove that this Tribunal has no jurisdiction to entertain and arbitrate this dispute?

6. Do the Employer/Party-II prove that the Workman/Party-I was highly intoxicated and started shouting and abusing the Chief Officer when he came for duty on 3-4-75 at 3.00 p.m.?

6. Date was fixed for arguments on the preliminary issue and advocates of both the parties were heard by my predecessor on this point and the matter was kept for award. However, my predecessor returned the file without delivering

the award and, therefore, I had to fix a fresh date for hearing of both the parties on this preliminary point. On the date so fixed, advocate of Party-II argued the matter, while the advocate of Party-I remained absent and Party-I, although present, did not want to advance any arguments.

7. Considering now the issue of jurisdiction raised by Party-II:

Section 76(i) of the Act prescribed the penalties that may be imposed upon any Officer or Servant of the Council and among them under No. (ii):

"withholding increment or promotion including stoppage at an efficiency bar" and in its sub-section (6) provides that an appeal against any order imposing any penalty under sub-section (1) may be made to the authority superior to the authority imposing penalty, which appeal, as per the provision of sub-section (7), is to be preferred within one month from the date of order appealed against by Officer or Servant.

Sub-sections (6) and (8) mention the Authority before whom the appeal or revision is to be preferred by the aggrieved party.

Since the Act specifically provides for an appeal or Revision before certain Authorities specified therein from any order passed imposing penalty on any Officer or Servant of the Municipality, Party-I had to avail of this remedy in case he felt aggrieved by the punishment imposed on him. Admittedly, he had not availed of this opportunity and, hence, this Tribunal cannot grant him something which, according to the Act, a different Authority is empowered to grant.

I, therefore, reply to the preliminary issue in the affirmative.

In the premises above, I pass the following order:

ORDER

This Tribunal has no jurisdiction to entertain this dispute, as a different authority is specifically provided by the Act to deal with this dispute.

The Reference stands disposed of accordingly.

No Order as to costs.

Panaji.

3-6-1981.

(Dr. R. de Noronha)

Presiding Officer,
Industrial Tribunal.